

Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Michigan on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 1:11-cv-880	DATE FILED 8/19/2011	U.S. DISTRICT COURT Western District of Michigan - at Grand Rapids
PLAINTIFF Cadence Pharmaceuticals, Inc., et al		DEFENDANT Paddock Laboratories, Inc., et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,028,222	2/22/00	SCR Pharnatop
2 6,992,218 B2	1/31/06	Pharnatop SCR
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT Stipulation and Order of Dismissal (see attached document)
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CLERK TRACEY CORDES	(BY) DEPUTY CLERK By /s/ Paula J. Woods	DATE 11/1/2011
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CADENCE PHARMACEUTICALS, INC.
and SCR PHARMATOP,

Plaintiffs,

Case No. 1:11-cv-00880-JTN

v.

Hon. Janet T. Neff

PADDOCK LABORATORIES, INC.;
PERRIGO COMPANY; PADDOCK
LABORATORIES, LLC,

Defendants.

Gardner, Linn, Burkhardt & Flory, LLP
Attorneys for the Plaintiffs
2851 Charlevoix Drive, S.E.
Suite 207
P.O. Box 888695
Grand Rapids, MI 49588-8695

Price Heneveld LLP
Attorneys for the Defendants
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P.O. Box 2567
Grand Rapids, Michigan 49501

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

WHEREAS plaintiffs Cadence Pharmaceuticals, Inc. and SCR Pharmatop (“Plaintiffs”) and defendants Paddock Laboratories, Inc.; Perrigo Company; and Paddock Laboratories, LLC (“Defendants”) are the parties in the above-captioned patent infringement case;

WHEREAS in July 2011, defendant Paddock Laboratories, Inc. sent Cadence Pharmaceuticals, Inc. notice that it had filed an Abbreviated New Drug Application (“ANDA”) with the Food and Drug Administration seeking permission to market a generic version of

Cadence's patented drug product, OFIRMEV® and that its ANDA included a Paragraph IV certification against the OFIRMEV® patents;

WHEREAS Plaintiffs filed a complaint against Defendants (and other unrelated defendants) for patent infringement in the United States District Court for the District of Delaware;

WHEREAS Plaintiffs, subsequent to filing the Delaware action, filed the above-captioned patent infringement action;

WHEREAS on September 30, 2011 Defendants filed an answer and counterclaims in the Delaware action in which they agreed not to contest personal jurisdiction in Delaware with respect to that action only;

WHEREAS the parties have agreed to litigate the merits of the dispute in the first-filed action presently pending in the United States District Court for the District of Delaware, Civil Action No. 11-733;

WHEREFORE Plaintiffs by their attorneys Gardner, Linn, Burkhardt & Flory, LLP and Defendants by their attorneys Price Heneveld LLP hereby stipulate and agree that Plaintiffs' Complaint against Defendants shall be dismissed without prejudice, costs, or attorneys' fees to any party.

Dated: October 31, 2011

/s/Terence J. Linn
Terence J. Linn
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Attorneys for Plaintiffs

Dated: October 31, 2011

/s/Matthew J. Gipson
Matthew J. Gipson
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616.949.9610
Attorneys for Defendants

ORDER

At a session of this Court held in the United States District Court for the Western District of Michigan, Southern Division, State of Michigan, on this 31st day of October, 2011.

PRESENT: HONORABLE Janet T. Neff

In accordance with the above Stipulation,

IT IS SO ORDERED, the Complaint is hereby dismissed without prejudice, costs, or attorneys' fees to any party.

/s/ Janet T. Neff

Hon. Janet T. Neff

United States District Judge

Certified as a True Copy
By [Signature] Deputy Clerk
U. S. District Court
Western Dist. of Michigan
Date NOV 01 2011